

C-0-N-F-I-D-E-N-T-I-A-L

O/BD/I

9 Feb 1960

Analysis of DRAFT NO. 5, 22 Jan 60, for directive to replace DCID 11/2 18 Nov 56, as compared with DRAFT 1 and R 51-700 1 Mar 56 (CIA implementation of 11/2)

Compared with DRAFT 1

DRAFT 5 cleans up most of the many formal infelicities of DRAFT 1: bad grammar, obscure language, poor paragraph numbering, etc.

DRAFT 5 has many, most minor, changes in language tending to make its terms more concrete and specific: e.g., "those officials" for "those higher echelons". It adds, in three of the USE paragraphs, as a proviso, a description of the type of document in which incorporation without carry-over of the control stamp may be permitted, which seem intended to elaborate on the definition "finished intelligence", as follows (in 4.a., 4.b., 5):

'provided, that the information is paraphrased and is used  
'in a manner which conceals the originating agency, the  
'source, the place acquired and any indication of the manner  
'of acquisition.'

DRAFT 5 omits the following paragraphs from DRAFT 1:

2. "Need-to-know" qualification
6. On public release
9. Provision for DCID determination of citing rules
10. Reference of questions to originating agency
12. Release to contractors

Compared with R 51-700

DRAFT 5 decreases the number of scopes and redefines them:

NSC PARTICIPATING ONLY, INTELL COMPONENTS ONLY, and LIMITED, are replaced by the single INTELLCOM CONTROL; CONTINUED CONTROL IS ABOLISHED; NOFORN is defined to equal the old NOFORN plus CONTINUED CONTROL

DRAFT 5 introduces and stresses the difference between dissemination of a document itself and incorporation of its substance into another document.

DRAFT 5 introduces a definition of "finished intelligence"; R 51-700 uses the term without definition, defining only "intelligence".

The principal possible effects on DD/I procedures would seem to lie in  
The dissemination provisions of INTELLCOM CONTROL, and  
The use provisions for NOFORN.

These are analyzed in greater detail on the following sheets.

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A-D-F-T-B-D-F-T-T-K-Q-0

O/ED/I: Analysis for DRAFT 5 to replace 11/2, SHEET 2

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Dissemination affects of DRAFT 5 INTELLIGEN CONTROL &amp; 51-700 LIMITED

## DRAFT 5 INTELLIGEN CONTROL 51-700 LIMITED

## Permitted recipients

USIB

Immediate staff of

Full-time employees of

CIA, AEC, FBI

USIB members

Intelligence components in

State, Defense

non-USIBOfficials and supporting staffs  
of departments & agencies  
represented on USIB  
who must necessarily  
deal with and act on  
community intelligenceOther NIS-producers and  
higher echelons with  
immediate supporting staffs in  
State and Defense

## Exclusions

Consultants

Consultants

External projects

External projects

Reserves on short-term act.duty.

Reserves on short-term active duty  
except normally full-time employees of  
CIA, AEC, FBI, State, Defense

Contractors

Questions:Does DRAFT 5 make adequate provision (or at least as adequate as the  
existing 51-700 and 11/2) for dissemination to NIS-producers  
not immediately under a USIB member?Does "immediate staff of USIB members" accurately describe intelligence  
analysts in G-2? Are all full-time intelligence analysts in CIA  
considered to belong to the immediate staff of the Director?Is the number of CIA reservists taking active duty with G-2, or the  
reverse, sufficiently great that omission in DRAFT 5 of the 51-700  
exception for full-time employees of units under USIB members  
likely to cause difficulties?

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O/DD/I: Analysis of DRAFT 5 to replace 11/3, SHEET 3

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USE (Incorporation) affects of "finished intelligence" definition in DRAFT 5

DRAFT 5, Par.4.a (INTELLCOM CONTROL) provides:

This information may be used in finished intelligence<sup>1</sup> without carrying over control provided/proviso quoted SHEET 1/ If used in digests & summaries, control marking carries over

<sup>1</sup>Finished intelligence is defined as a comprehensive study which takes cognizance of all available information and is intended to provide the reader with the best available estimate of status or trend for a particular area or subject.

USE paragraph for NO DISSEM AEROAD same as that for INTELLCOM CONTROL

(For analysis USE provisions for NOFORN, see SHEET 4.)

R 51-700, Par 4, provides:

An information item not stamped either CONTINUED CONTROL or BACKGROUND USE ONLY may be used in finished intelligence except digests and summaries, without regard to control stamps on it

Provided:

OS, CO-A & controlled CO-B are so used as to conceal source & collection-method, and cited only by major component; and ForServ & Defense reports are paraphrased Any citation of above-listed documents will be removed before release to foreign nationals

NOTE that 51-700 provisions on use without control-carry-over apply to all controls, including NOFORN

Question:

Does the above definition of "finished intelligence" cover all publications for which incorporation of controlled information without carry-over of controls is important?

Does it include, for example, contributions to other documents (e.g., to NIE's) in which the "best available" estimate is to be provided by the recipient on the basis of more than one contribution, so that "best available" can hardly be applied appropriately to the separate contribution?

Does it include the following particular publications:

OCR: Reference Aids, Biographic Intelligence Bulletin  
OCI: Curr. Intell. Staff Studies, Memoranda  
ONE: Staff Memoranda  
CHR: Research Aids, Provisional Reports  
OSI: Provisional Reports

Suggestion:

Do the provisions, as quoted on SHEET 1, furnish a sufficiently adequate definition of the sort of document in which incorporation may be permitted without carry-over of controls that the bound-to-be-controversial definition of "finished intelligence" could be dropped? Or could the proviso be made textual into the definition?

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O/DD/I: Analysis of DRAFT 5 to replace 11/2, SHEET 2 4

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USC (and verbal communication) effects NOFORN provisions in DRAFT 5

Under DRAFT 5 provisions,

(Par. 5) document not slugged NOFORN  
may be incorporated in document  
in finished-intelligence form  
releaseable to foreigners  
provided (proviso cited SHEET 1)

(Par. 6) If document slugged NOFORN,  
information from it not to be  
released to foreigners

in any form,  
unless, specific permission for  
certain foreigners is added to  
control on document

Under existing 11/2 and 51-700,

NOFORN information,

If not also CONTINUED CONTROL  
may be incorporated in finished intelligence  
subject to provisions of 51-700 Par. 4,  
(summarized on SHEET 3)

That is , DRAFT 5 NOFORN equals 51-700 NOFORN CONTINUED CONTROL

Question: Is the privilege under existing regulations, of incorporating  
NOFORN (if not also CONTINUED CONTROL) information into intelligence documents  
without carry-over of control, valuable and worth continuing?  
and without consulting originator,

For CIA documents, this privilege may even now be unreal or valueless, since

what about  
DO/SC's { Many, if not most, CIA NOFORN are also CONTINUED CONTROL  
(so that the change would be in form rather than substance)  
And satisfactory arrangements have been set-up for clearing  
the use of individual documents.

State and Defense documents, on the other hand, do not now add the  
CONTINUED CONTROL to their equivalent to NOFORN, (or 11/2, Par. 5)

That is, they may be incorporated under provisions of 51-700, Par. 4  
without control carry-over and without specific consultation;

While DRAFT 5 would require State and Defense to use the more  
restrictive NOFORN,

so that specific consultation would be necessary in each case of  
desired incorporation of a NOFORN document, and such consultation  
might not be as readily arranged as at present with our CS.

VERBAL Communication Question: Are the proposed DRAFT 5 provisions on  
NOFORN more restrictive on verbal briefings of foreign liaison officers  
than present regulations?

The final paragraph of Par. 5.b. of DRAFT 5 specifies that if the originator  
permits information-release (though not document-release) to specified  
foreign governments by stamp on document itself, such information  
may be released in finished-intelligence form only.